

### REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated November 13, 2009 has been received and its contents carefully reviewed.

Claims 1-5 and 7 have been amended. Claim 14 has been added. Support for these amendments may be found at least at, for example, ¶¶ [0018], [0024], [0032], [0054], [0056], and [0057], and Figs. 1-4 of the Specification as originally filed. Thus, no new matter has been added. Claims 6 and 8-13 have been canceled without prejudice or disclaimer. Accordingly, claims 1-5, 7, and 14 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

**The Office has rejected claims 8-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,963,046 to Bergeson (hereinafter “*Bergeson*”).** *Office Action* at pages 2-3. The rejection of claims 8-13 is moot as these claims have been canceled. Therefore, Applicants respectfully request that the rejection be withdrawn.

**The Office has rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as discussed in the Office Action.** Applicants have amended claim 1 to more clearly define claimed subject matter, and respectfully request the Examiner to withdraw this rejection.

**The Office has rejected claim 1-5 and 7 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Bergeson*.** *Office Action* at page 4. Applicant respectfully traverses the rejection and requests reconsideration.

In order to anticipate a claim under 35 U.S.C. § 102, the reference must teach every element of the claim. *See* M.P.E.P. 2131. In addition, in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art. Applicants respectfully submit that *Bergeson* does not teach or suggest every element recited in claims 1-5 and 7 and therefore cannot anticipate or render obvious these claims. More specifically, amended claim 1 recites “[a] dishwasher” which includes, among other features, “a sump housing coupled substantially to a center portion of the bottom part of the tub and the sump

housing having a washing water storing portion which is recessed in a predetermined depth, a water supply connector formed on a first portion of the washing water storing portion, and a heater insertion hole formed on a second portion of the washing water storing portion, wherein the first and second portions define a side surface of the washing water storing portion; a washing pump...a washing motor mounted beneath the sump housing, and having a motor shaft which is vertically extended to be directly connected to the washing pump; a heater...and a water infiltration preventing rib downwardly extended by a predetermined length from an outer bottom surface of the sump housing, wherein the water infiltration preventing rib is configured to substantially surround the washing motor.” *Bergeson* fails to disclose at least these features of the claimed invention.

The Office alleges that the specification of the present application does not recite a special definition for the term “sump” and the tub of *Bergeson* may be used to read upon the claimed structural features of a sump. *See Office Action*, p2. Applicants respectfully disagree. However, to advance prosecution, Applicants have amended claim 1 to clarify the differences between tub and sump housing based on the specification as originally filed. Therefore, as explained in the response filed August 10, 2009, the tub in *Bergeson* cannot be understood as the sump housing in claim 1, thus *Bergeson* fails to teach or suggest the features of sump housing as recited in claim 1.

*Bergeson* fails to teach or suggest a “motor mounted beneath the sump housing, and having a motor shaft which is vertically extended to be directly connected to the washing pump” as recited in claim 1. In fact, *Bergeson* discloses that “[a] drive motor laterally spaced from the pump axis and drivingly connected to the pump through the drive belt. *Bergeson* at col. 2:25-27, emphasis added. Thus, *Bergeson* fails to teach or suggest at least these limitations as recited in amended claim 1.

*Bergeson* also fails to teach or suggest “a water infiltration preventing rib downwardly extended by a predetermined length from an outer bottom surface of the sump housing, wherein the water infiltration preventing rib is configured to substantially surround the washing motor” as recited in claim 1. The Office Action alleges that retainer clips 85 in *Bergeson* can be read as preventing rib. *Office Action*, p3. However, as shown in FIG. 3, *Bergeson* still fails to teach or suggest that “the water infiltration preventing rib is configured to substantially surround the

washing motor” as recited in amended claim 1. Even more, the retainer clip 85 in *Bergeson* is not a preventing rib in claim 1 but rather a part of the bottom of the tub. See *Bergeson*, FIG. 3.

For at least these reasons, Applicants respectfully submit that claim 1 is patentably distinguishable over *Bergeson*. Claims 2-5 and 7, which depend from independent claim 1, are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 102(b) or the 35 U.S.C. § 103(a) rejection of claims 1-5 and 7.

Regarding newly added dependent claim 14, it is also patentably distinguishable over *Bergeson* for at least the same reasons as discussed above.

### **CONCLUSION**

Early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

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